

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

SEP 23 2005

JOHN F. CORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

JERRY DAVIS, #342495,  
Petitioner,

v.

DEPT. OF CORRECTIONS, et al.,  
Respondent.

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Civil Action No. 7:05-cv-00589

FINAL ORDER

By: James C. Turk  
Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ADJUDGED AND ORDERED**

that the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, shall be and hereby is **DISMISSED** without prejudice for failure to exhaust state court remedies and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this final order and the accompanying memorandum opinion to the petitioner.

ENTER: This 22<sup>nd</sup> day of September, 2005.

*[Signature]*  
Senior United States District Judge